

ESTABLISHING THE CAPITOL REEF NATIONAL PARK IN UTAH

SEPTEMBER 30, 1971.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. TAYLOR, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 8213]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8213) to establish the Capitol Reef National Park in the State of Utah, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, beginning at line 17 and continuing through line 26 delete all of Subsection (b) and renumber accordingly.

Page 3, beginning on line 1, delete all of section 3 and insert in lieu thereof:

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

Page 4, line 19, delete "park." and insert:

park: *Provided*, That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

Page 4, beginning at line 25 and continuing through page 5, line 4, delete all of subsection (b) and renumber accordingly.

Page 5, lines 7 through 10, delete the word "area," and the remainder of the sentence, and insert in lieu thereof:

area only if he finds that such easements and rights-of-way:

(1) would be compatible with the purposes of the park, and

(2) would not have significant adverse effects on the administration of the park pursuant to this Act.

Page 5, after line 10, insert the following new subsection:

(c) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or unsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

Page 5, lines 11, 12, and 13, delete section 6 and insert the following new sections:

SEC. 6. (a) The Secretary, in consultation with appropriate federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alignments within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, \$423,000 for the acquisition of lands and interests in lands and not to exceed \$1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

PURPOSE

The purpose of H.R. 8213, by Representative McKay, is to redesignate the Capitol Reef National Monument as a national park and to establish statutory boundaries therefor.

BACKGROUND

Capitol Reef National Monument was created by Presidential Proclamation. It was initially established on August 2, 1937, and

was enlarged to 39,185 acres in 1958, before being expanded to 254,241 acres on January 20, 1969.

DESCRIPTION AND LOCATION

The principal feature of this national monument is the Waterpocket Fold—a long monocline extending some 150 miles northwesterly from the southeastern Utah border.

Once this area was low-lying country covered with swamps and shallow lagoons. Broad sluggish streams deposited silt and sand on it which ultimately hardened into the sandstone and shale now characteristic in the region. The Waterpocket Fold was created, geologists say, by the uplifting force which created the Rocky Mountains about 60 million years ago.

As the surface of the earth's crust buckled and folded, different formations were tilted upward and exposed to the elements. Year after year, water and wind reworked the landscape carving away the softer formations and leaving the more resistant ones. With nature as the sculptor, this area has become an intriguingly rugged place. Only rarely can a natural crossing be found in this long escarpment. Although man has been present, the ruggedness of the country and the sparseness of the vegetation in the desert climate has kept this area almost unchanged.

PROVISIONS OF THE LEGISLATION

As recommended by the Committee on Interior and Insular Affairs, H.R. 8213, would redesignate the Capitol Reef National Monument as Capitol Reef National Park. In reviewing the administrative enlargement of the monument, the Committee found that in many places the boundary lines had been drawn to correspond with township and section lines without regard to values required for national recognition. As a result, the Committee chose to follow the recommendations of those who suggested that the boundaries should correspond, to the extent possible, with topographic features so as to leave outside of the park boundary those lands which might be used more suitably for some other purpose. The net effect of this recommendation is to provide for the creation of a park comprising about 241,671 acres.

Some grazing activity has taken place in and around this region for many years. Because of the precedent established when the Canyonlands National Park Act was approved (P. L. 88-590, 78 Stat. 934), the bill recommended contains a provision for the gradual phasing out of grazing activities within the park, but it also includes a provision concerning the trailing of cattle and sheep along traditional crossings. In this case, there are very few places along this very long escarpment where animals can cross. Since it bisects two complete counties, it is extremely important to residents of the area to be able to continue to use established crossings. The bill, as amended, provides that the Secretary of the Interior may regulate the use of such trailways and driveways in order to reasonably protect park values.

Another important feature of the legislation, as recommended by the Committee, involves the granting of easements and rights-of-way across the proposed park. Generally, the Secretary has authority to grant revocable use permits for necessary utility rights-of-way, needed

roads, etc. In this instance, however, due to the unusual character of this park, the bill requires the Secretary to grant easements and rights-of-way if he finds that they would be compatible with the park and would not significantly affect the park adversely. It is not the intention of this provision to foreclose or prohibit the Secretary from granting necessary easements; on the contrary, this provision was drafted to require the granting of them so long as they do not unduly interfere with the purposes for which the park is being established. Naturally, it would be expected that any utility crossing would cause some disruption of park values and it is expected that the Secretary will impose rigid requirements to minimize their effects and to assure the restoration of any areas over which rights-of-way are granted.

COMMITTEE AMENDMENTS

In addition to the provisions discussed in detail above, the Committee recommends several additional amendments:

(1) One deletes language in the bill authorizing the Secretary to exchange Federal lands outside the park for non-Federal lands within the park, because he has general authority under present law to make such exchanges.

(2) Another deletes language in the bill which repeats general law authorizing the Secretary to develop and maintain the park.

(3) As has been done in the other measures, the Committee is also recommending the inclusion of a provision calling for a wilderness study to be made of the area for possible future action by the Congress.

(4) In addition, the legislation includes a provision requiring the Secretary, in consultation with other appropriate Federal, State, and local agencies, to conduct a study of proposed road alignments in and adjacent to the park and to submit his findings to the Congress within two years after the date of enactment of the bill. It is not the intent of the Congress, by this provision to bind or obligate the Federal Government in any way. Once the study is completed, a future Congress may consider it on its merits.

(5) Finally, the usual limitations on the amounts authorized to be appropriated for land acquisition and development were included in the bill.

COST

As recommended, H.R. 8213 provides that \$423,000 is authorized to be appropriated for the acquisition of lands and interests in lands and \$1,052,700 is authorized to be appropriated for development of facilities within the park. Since this legislation converts an existing national monument into a national park, it is recognized that some Federal funds have already been invested in the area; hence, the authorization limitation involves only acquisition and development activities hereafter undertaken.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends the enactment of H.R. 8213, as amended.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated June 9, 1971, and the report of the Department of Agriculture, dated June 7, 1971, follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 4, 1971.

Hon. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 8213, a bill to establish the Capitol Reef National Park in the State of Utah.

We recommend the enactment of the bill, if amended as set forth herein.

Proclamation No. 3888 of January 20, 1969, added some 215,056 acres of land to the then-existing 39,185-acre Capitol Reef National Monument, to create a new monument of approximately 254,241 acres. H.R. 8213 would revise the boundary of the monument and redesignate it as a national park.

Capitol Reef National Monument in southeastern Utah was established by Proclamation No. 2246 of August 2, 1937, and enlarged to 39,185 acres by Proclamation No. 3249 of July 2, 1958. The addition of 215,056 acres by the January 1969 proclamation brought within the monument the entire spectacular geologic structure known as Water-pocket Fold. The monument now enables the National Park Service to present a complete geologic story of the exposed and eroded rock layers, which were laid down over more than 125 million years, and which are now standing on edge in the form of a gigantic, 100-mile long monocline. We believe that the area fully merits national park status.

We recommend the following amendments to H.R. 8213.

1. On page 1, revise lines 6 and 7 to read: "National Park, Utah, numbered RPSSC-158-20,001-D, and dated August 1969, are hereby established as the Capitol Reef".

This amendment substitutes a reference to a map depicting a new boundary for the proposed park. The net effect of H.R. 8213 would be to delete from the existing monument boundary approximately 12,570 acres. The net effect of the boundary we recommend would be to add approximately 127 acres. The total is summarized as follows, in relation to the existing monument:

[In acres]		
	H.R. 8213	Interior amendment
Additions.....	20,670	22,870
Deletions.....	33,240	22,743
Net change.....	12,570	127
New park.....	241,671	254,368

The boundary we recommend is the result of a thorough study conducted over a 12-month period. We believe it represents the optimum in terms of assuring continued preservation of the unique formations within the area.

2. On page 2, line 9, delete "(a)," and delete lines 17 through 24 on page 2 and lines 1 and 2 on page 3.

This amendment deletes subsection 2(b) which authorizes acquisition by exchange specifically for Capitol Reef National Park. Section 5(b) of the Act of July 15, 1968 (82 Stat. 354, 356, 16 U.S.C. 4601-22(b)), authorizes acquisition by exchange applicable to any unit of the National Park System. The specific language for Capitol Reef National Park is therefore unnecessary.

3. On page 3, delete line 13 and all that follows through line 13 on page 4, and substitute in lieu thereof the following: "beyond the period ending 10 years from the date of approval of this Act".

Section 3 of the bill gives holders of existing grazing privileges a statutory right of renewal up to a period ending 25 years from the date of the Act, and it gives existing permittees or members of their immediate families the right to renewal for an indefinite period. Our amendment would require that all existing grazing permits be phased out within 10 years. We believe that continued grazing use is not compatible with optimum protection and interpretation of the park. There are approximately 60 permittees grazing several thousand animal-unit-months of cattle and sheep within the area. A major consideration in arriving at our recommended boundary was the elimination of grazing lands wherever feasible. The remaining lands are necessary for the protection and interpretation of the park, and we believe a 10-year phaseout of grazing would be appropriate.

4. On page 4, line 21, change the period to a colon and insert the following proviso: "Provided, That the Secretary may regulate such use and designate driveways therefor".

Section 4 of the bill provides that nothing in this Act shall be construed as affecting any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of the Act, to trail their herds on traditional courses and water their stock on lands within the park. The January 20, 1969, proclamation expressly recognized the privilege of owners and operators to move livestock across monument lands, but "under such regulations as may be prescribed by the Secretary of the Interior and upon driveways to be specifically designated by said Secretary". The amendment adds a proviso which would make it clear that the existing authority of the Secretary to regulate use of Federal lands for trailing and watering stock and to designate driveways therefor will apply as well to the park.

5. On page 5, lines 8 through 13, delete subsection 5(c).

Subsection 5(c) would require the Secretary to grant easements and rights-of-way upon, over, under, across, or along any component of the park, if he finds that they would not have significant adverse effects on the administration of the park pursuant to the Act.

Under existing law the Secretary has ample authority to permit the use of park lands for electrical plants, powerlines, pipelines, and

related facilities. Subsection 5(c) is silent as to the purposes of any easement or right-of-way; moreover, it is mandatory. We believe that subsection 5(c) does not provide the Secretary with the authority to apply adequate safeguards as to the location, design, and effect on natural values of any facility proposed to be constructed on such easements and right-of-way.

6. On page 5, after line 13, insert the following new subsection in lieu of the subsection deleted by our amendment numbered 5:

“(c) Wilderness areas heretofore or hereafter designated within the former Capitol Reef National Monument pursuant to section 3(c) of the Wilderness Act shall, notwithstanding, the abolishment of the monument and establishment of the park, be administered in accordance with such wilderness designation”.

In accordance with section 3(c) of the Wilderness Act, a review of roadless areas in the Capitol Reef National Monument, as it was constituted on the effective date of the Wilderness Act, has been completed by the Secretary of the Interior, and recommendations have been submitted to the Congress for designation of certain areas as wilderness. The purpose of this amendment is to clarify the fact that reclassification of the national monument as a national park will in no way alter the effect of an Act of Congress designating portions of the former monument as wilderness. The areas recommended for wilderness designation are depicted on the map entitled “Recommended Wilderness, Capitol Reef National Monument, Utah,” numbered NM-CR-7403, and dated April, 1969.

Enactment of H.R. 8213 would not require any additional expenditures beyond those required for the existing national monument.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED.

Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 7, 1971.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 8213, a bill “To establish the Capitol Reef National Park in the State of Utah.”

H.R. 8213 would establish the Capitol Reef National Park in the State of Utah. The boundaries of the Park would be as generally depicted on a map referred to in the bill.

The Department of Agriculture's concern with H.R. 8213 is limited to the impact of the bill on National Forest lands which would be included in the proposed National Park. H.R. 8213 would include in

the Capitol Reef National Park approximately 5150 acres of the Fishlake National Forest. The Department of the Interior is recommending alternate boundaries for the Park which would include 4350 acres of lands now within the Fishlake National Forest.

Insofar as this Department is concerned, we would have no objection to the inclusion of the National Forest lands in a Capitol Reef National Park, with the boundaries recommended by the Secretary of the Interior. The National Forest lands involved are presently being used primarily for grazing purposes. They are a logical part of the proposed National Park, and their inclusion would have no significant adverse effects on the programs of the Fishlake National Forest.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.